

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, AND DEEPROOT RE 12621 SILICON DR
LLC,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
DESIGNATION OF POTENTIAL WITNESSES**

Pursuant to the Court's Scheduling Order, ECF No. 102, Plaintiff Securities and Exchange Commission submits the below list of witnesses it expects to call and may call at the trial of this matter.

I. WITNESSES THE SEC EXPECTS TO PRESENT

1. Charlotte Acker
2313 Brittany Grace
New Braunfels, TX 78130-8937
(325) 388-8460
(210) 862-9622
2. Scott Allen
Address unavailable at this time
(801) 669-2784
3. Jeffrey Anderson¹
SEC employee and summary witness, contact through counsel
4. James Donnelly
9297 E Caribbean Lane
Scottsdale, AZ 85260-2834
(480) 490-0670
5. John Gray
205 Viticole Lane
Little Rock, AK 72223
(713) 705-7973
6. Robert Kane
3528 West Starr Pass Boulevard
Tucson, AZ 85745
(520) 850-1160
7. Brad Leon
620 Vista View Drive
Ashville NC 28803-8572
(828) 273-0205
8. Robert Mueller

¹ Sachin Verma, who was the subject of Defendant Mueller's Motion to Strike, ECF No. 109, is not available to testify. The SEC plans to call Jeffrey Anderson, an SEC accountant, as a summary witness.

9. Bill Post
50 California Street, Suite 1900
San Francisco, CA 94111
SEC expert, contact through counsel
10. Sandra Thompson
4396 N. Atfield Place
Tucson, AZ 85719
(520) 405-1402
11. George C. Williams
1100 NE Interstate 410 Loop, Suite 350
San Antonio, TX 78209
(210) 684-1071

II. WITNESSES THE SEC MAY PRESENT

1. Ken Abramson
23901 Calabasas Road, Suite 1072
Calabasas, CA 91302
(818) 918-4500
2. Lauren R. “Becca” Adams
12019 Trewell Glen
San Antonio, TX 78249
(843) 903-2854
3. Thomas Andrew
c/o Thomas D. Sherman, Esq.
Locke Lord, LLP
Terminus 200, Suite 1200
3333 Piedmont Road, N.E.
Atlanta, GA 30305
(404) 870-4672
4. Dennis Concilla²
c/o Mathew S. Brown
Carlisle Patchen & Murphy LLP
950 Goodale Blvd.

² The SEC moved for summary judgment on Mueller’s purported advice of counsel defense arguing that Mueller cannot rely on advice of counsel where there is no evidence that he sought or obtained legal advice regarding the alleged fraudulent misrepresentations and omissions. ECF No. 103 at 32-33. If the Court grants the SEC’s motion with respect to Mueller’s advice of counsel defense, the SEC does not plan to call either Dennis Concilla or Andrew Federico as a witness at trial.

Columbus, OH 43212
(614) 628-0877

5. Eric Dandridge
120 Rocky Path
Boerne, TX 78006
(918) 277-1130/1132
6. Andrew Federico³
c/o Mathew S. Brown
Carlisle Patchen & Murphy LLP
950 Goodale Blvd.
Columbus, OH 43212
(614) 628-0877
7. Phillip Forret
c/o Alan A. Harley, Esq.
Associate General Counsel, BDO
135 West 50th Street
New York, NY 10020
(212) 885-7351
8. Patrick Lowe
c/o Randy Pulman
Pulman, Capuccio & Pullen, LLP
2161 NW Military Highway, Suite 400
San Antonio, TX 78213
(210) 222-9494
9. Cary Mueller
c/o Gordon C. Young, Esq.
Barr & Young Attorneys
318-C Diablo Road
Danville, CA 94526
(925) 314-9999, ext. 302
10. Craig Rushforth
2983 North 4000 East
Sugar City, ID 83448
(210) 291-7555
11. Nathan Spradlin
c/o Andrew R. Shedlock, Esq.
Kutak Rock LLP
60 South Sixth Street, Suite 3400

³ See footnote 2.

Minneapolis, MN 55402-4018
(612) 334-5022

12. Chris Turner
c/o Pat H. Autry
Branscomb Law
4630 N Loop 1604 W, Suite 206
San Antonio, TX 78249
(210) 598-5401
13. Gerald Wik
c/o Jay A. Dubow, Esq.
Troutman Pepper Hamilton Sanders LLP
3000 Two Logan Square
Philadelphia, PA 19103
(215) 981-4713
14. Russell Putnam
FactRight
7500 Flying Cloud Dr., Suite 755
Eden Prairie, MN 55344
15. Representatives from the following entities:⁴
 - a. Abramson Accountancy Corporation
 - b. American Express
 - c. Americus Diamond
 - d. Carlile Patchen & Murphy
 - e. Cycladic International
 - f. deeproot Funds or other related corporate entities
 - g. FTI Consulting
 - h. Kauai Vacation Rental & Real Estate, Inc.
 - i. LUX Catering & Events

⁴ The SEC plans to offer documents into evidence from these entities pursuant to Federal Rules of Evidence 803(6), 902(11) and 902(13). The SEC expects the parties will meet and confer regarding the admissibility of business records eliminating the need to call many, if not all, corporate representatives.

- j. Old Republic Title Company
- k. Saint Mary's Hall
- l. Silicon Office Venture, LLC
- m. Tabora Gallery
- n. United Services Automobile Association
- o. The Valhalla Group
- p. The Walt Disney Company
- q. Wells Fargo

This witness list is based on the current status of this matter. The SEC reserves the right to supplement, correct, or clarify its trial witnesses or to withdraw the designation of any witness, particularly in light of any future decision or order of this Court. The SEC further reserves the right to call as a witness and/or elicit testimony from, on either direct or cross-examination, all witnesses listed as trial witnesses by the defendant and any other witnesses from whom the defendant is permitted to elicit testimony.

Dated: October 6, 2023

Respectfully submitted,

/s/ Charlie L. Divine

Kristen M. Warden, Trial Counsel
Charlie Divine, Trial Counsel
David Nasse, Supervisory Trial Counsel
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Washington, DC 20549
(202) 551-4661 (Warden)
(202) 551-6673 (Divine)
(202) 551-4426 (Nasse)
wardenk@sec.gov
divinec@sec.gov

nassed@sec.gov

*Counsel for Plaintiff Securities and Exchange
Commission*

CERTIFICATE OF SERVICE

I certify that on the 6th day of October 2023, a true and correct copy of this Witness List was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Charlie L. Divine

Charlie L. Divine

*Counsel for Plaintiff United States Securities
and Exchange Commission*